



Docket No.: 201372US2

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Attached hereto for filing are the following papers:

**RESPONSE TO ELECTION REQUIREMENT**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.

  
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DOCKET NO: 201372US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

FUMIHITO OHTA : EXAMINER: SHERALI, ISHRATI

SERIAL NO: 09/748,228 :

FILED: DECEMBER 27, 2000 : GROUP ART UNIT: 2621

FOR: FAILURE ANALYSIS METHOD, :  
COMPRESSION THRESHOLD DERIVING  
METHOD, AND RECORDING MEDIUM

RESPONSE TO ELECTION REQUIREMENT

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COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

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In response to the Official Action mailed March 19, 2004, Applicant elects with traverse, Species 3, directed to Figures 13 (Claims 7-12). Applicant makes this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims. Applicants also note Claims 29-35 correspond to Figures 37 and 38.

Claims 1-3, 4-6, and 7-12 are each directed to methods of failure analysis that each include, *inter alia*, steps of “preparing various compressed fail bit maps...” and “calculating fail rates...,” where the compressed fail bit maps are prepared via alternative methods. Claims 16-28 and 29-35 are directed to alternative embodiments, each including *inter alia*, a step of “preparing various compressed fail bit maps...” Claims 13-15 are directed to a method of deriving a compression threshold for use in a method of failure analysis.

Applicants note that a patentably distinct feature common to each of Species 1-6 concerns a step of “preparing various compressed fail bit maps...” Thus, Applicants traverse the pending restriction requirement as Applicants believe examining Claims 1-35 directed to

a method of failure analysis or a method of deriving a compression threshold for use in the a method of failure analysis, each reciting a step of "preparing various compressed fail bit maps..." would not place an undue burden on the Examiner. MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In view of the above-illustrated close similarities between the restricted claims and the ease of modern computer searching now available to the Examiner, the claims of the present invention would appear to be part of an overlapping search area, and it is respectfully submitted that there would be little, if any, extra effort, i.e., "no serious burden," to examine all the pending claims in the present application, even if "the application includes claims to distinct or independent inventions."<sup>1</sup>

Applicants respectfully request that the elected claims be examined on the merits in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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<sup>1</sup> MPEP §803.